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In re Application of :  
Saban et al. :  
Application No.: 09/806606 : DECISION ON  
PCT No.: PCT/US99/14391 :  
Int. Filing Date: 25 June 1999 : PETITION UNDER  
Priority Date: 26 June 1998 :  
Attorney's Docket No.: 03-SM-6723 : 37 CFR 1.137(b)  
For: Rotors Utilizing a Stepped Skew :

This is in response to the petition under 37 CFR § 1.137(b)" filed on 02 April 2001.

### **BACKGROUND**

This international application was filed on 25 June 1999, and claimed an earliest priority date of 26 June 1998. A Demand electing the United States was filed on 26 January 2000, which was prior to the elapse of 19 months from the international filing date. Accordingly, the thirty-month time period to pay the basic national fee in the United States expired as of midnight on 26 December 2000. This application became abandoned with respect to the United States for failure to timely pay the basic national fee.

On 2 April 2001, applicants filed the instant petition and, *inter alia*, a Transmittal Letter and the required basic national fee.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the petition was accompanied by the required reply in the form of the required basic national fee.

Concerning requirement (2), the petition is accompanied by the required petition fee.

Regarding requirement (3), the petition includes an appropriate statement.

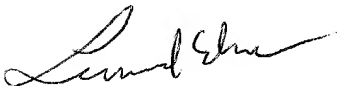
As to requirement (4), no terminal disclaimer is required because the international filing date of this application was later than 08 June 1995.

The petition is accompanied by a signed declaration. However, the declaration is not clearly directed toward this application, since it only identifies the "specification of which was filed on June 26, 1998 as Application Serial No. 60/090,773" (the priority document) and is not specifically directed either toward the international application number nor the papers filed on 02 April 2001. Petitioner is therefore required to file a newly executed declaration directed toward this national stage of the international application, along with the surcharge under 37 CFR 1.492(e).

**DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**, as discussed above.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the filing of an executed oath or declaration and a surcharge under 37 CFR 1.492(e).



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